

## CHAPTER 147. EVALUATE FAR PART 137 APPLICANT

### SECTION 1. BACKGROUND

#### 1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

*A. Maintenance: 3202.*

*B. Avionics: 5202.*

**3. OBJECTIVE.** This chapter provides guidance for evaluating an applicant for a FAR Part 137 certificate.

**5. GENERAL.** Due to the nature of FAR Part 137 operations, the way that the certification team handles the evaluation will depend on the size and complexity of the proposed operation. Aviation Safety Inspectors (ASI), may find that some of the certification phases overlap. For example, an ASI may review documents from the “Document Compliance Phase” prior to the meeting held during the “Formal Application Phase.”

*A. The Certification Team.* The district office has the responsibility of appointing a certification team. The size of the certification team will depend on the complexity of the proposed operation. The team should consist of at least one operations and one maintenance ASI. An avionics ASI also may be required. A member of the team will be designated as Certification Project Manager (CPM).

*B.* The CPM must closely coordinate all activities with the appropriate specialty.

*C. Eligibility Requirements.* FAR Part 137 authorizes both private and commercial agricultural aircraft operations.

(1) The private agricultural aircraft operator may not conduct operations over property unless the operator is the owner or lessee of the property or has ownership or other legal interest in the crops located on the property. In addition, the operator may not conduct operations over a congested area or for compensation or hire. A commercial agricultural aircraft operator is not limited by these conditions.

(2) The private operator/applicant must hold either a private, commercial, or airline transport pilot certificate with appropriate ratings.

(3) The commercial operator/applicant must have available the services of a pilot having a current commercial or airline transport pilot certificate with appropriate ratings.

(4) The applicant for either a private or commercial agricultural aircraft operator certificate must provide at least one properly certificated airworthy aircraft equipped for agricultural operations.

(5) The applicant for a commercial operator certificate must have the services of a chief supervisor of agricultural operations. This supervisor should possess the appropriate knowledge and skills.

#### *D. Deviations and Waivers.*

(1) Public aircraft used to conduct agricultural operations need not comply with the certification rules of FAR Part 137 but must comply with the operating rules of FAR Part 137.

(2) A rotorcraft equipped for agricultural operations under a FAR Part 133 certificate only is limited to the dispensing of water on forest fires.

(3) The following are examples of deviations to FAR Part 137 applicability that require authorizations:

- Operations within a control zone
- Operations below Visual Flight Rule minimums
- Operations over congested areas

**7. THE CERTIFICATION PROCESS.** The following certification process provides for a continuous interaction, from the applicant's initial inquiry to the FAA's certificate issuance or denial. It ensures that the applicant's proposed programs, systems, and intended methods of compliance are thoroughly reviewed, evaluated, and tested by use of the following five phase process:

*A. Preapplication Phase.* The applicant will submit a letter of intent, outlining the proposed operation. If the applicant requires information about the application or needs additional guidance, the Certifi-

cation Project Manager has the option of conducting a preapplication meeting.

*B. Formal Application Phase.* The Formal Application Phase begins when the team receives the application and/or letter of intent. The entire team then meets with the applicant. Any questions that arise at this time should be resolved.

*C. Document Compliance Phase.* During this phase, the application and all other submitted material will be reviewed.

*D. Demonstration and Inspection Phase.* During this phase, the applicant will demonstrate the ability to comply with the Federal Aviation Regulations and safe operating practices.

(1) *Records.*

(a) Commercial agricultural aircraft operators must have a system for maintaining a current list of customers and services provided. This system must include a method of retaining these records.

(b) The FAA does not require private agricultural aircraft operators to maintain comparable

records detailing their agricultural dispensing operations.

(2) *Aircraft.* The maintenance ASI(s) will conduct the inspection of aircraft records, the aircraft, and dispensing-equipment for both commercial and private agricultural aircraft operators.

**NOTE: When inspecting previously used dispensing equipment, caution should be used in order to prevent contamination from hazardous/toxic materials.**

(3) *Base inspections.* The size and complexity of the operation will determine the extent of the inspection required at an operator's base.

(4) Unless previously demonstrated, the applicant or designated chief supervisor must show satisfactory knowledge and skills regarding agricultural aircraft operations.

*E. The Certification Phase.* If certification requirements are met and the certificate is to be issued, the air operator certificate number must be obtained from AFS-620.

## SECTION 2. PROCEDURES

### 1. PREREQUISITES AND COORDINATION REQUIREMENTS

#### A. Prerequisites:

- Knowledge of the regulatory requirements of FAR Part 137
- Successful completion of the Airworthiness ASI's Indoctrination Course, or previous equivalent
- Previous experience with FAR Part 137 operations

*B. Coordination.* This task requires close coordination between airworthiness and operations ASI's.

### 3. REFERENCES, FORMS, AND JOB AIDS

#### A. References:

- FAR Parts 1, 43, 61, and 91
- Order 8300.10, Airworthiness Inspector's Handbook, Vol. 2, Ch. 221, Conduct Evaluation of Operator/Applicant's Maintenance Facility
- Advisory Circular 137-1, Agricultural Aircraft Operations, as amended

#### B. Forms.

- FAA Form 8710-3, Application for Agricultural Aircraft Operator Certificate
- FAA Form 8430-21, Operating Certificate

#### C. Job Aids. None.

### 5. PROCEDURES

*A. Preapplication Phase.* Provide the applicant with the necessary information and the application form. Advise the applicant to submit a letter of intent and to ensure compliance with any other applicable Federal, state, and/or local aerial application regulations.

- (1) Schedule a preapplication meeting, if necessary.
- (2) Obtain a precertification number from AFS-620, if required.

#### B. Formal Application Phase.

(1) Accept the application and review the letter of intent. The letter of intent should include the following information:

- Specific type of agricultural aircraft operator certificate for which applicant is applying (commercial or private)
- Company legal name and appropriate company business names (d/b/a's), principal operation base address, primary airport address, mailing address (if applicable), and telephone numbers
- Type of aircraft to be operated
- Type of materials to be dispensed
- Estimated date when operations or services will begin
- Names and addresses of any management personnel or chief supervisor

(2) Conduct formal meeting, as appropriate

(3) Schedule the required inspections

*C. Document Compliance Phase.* Review the application and associated documents to ensure that the information is complete and correct.

#### D. Demonstration and Inspection Phase.

(1) Conduct any knowledge and skill tests, as required.

(2) Inspect the commercial applicant's record system, as applicable

(3) Inspect the aircraft. Inspect the aircraft and the aircraft maintenance records to ensure the following:

- Aircraft are properly certificated and airworthy
- Inspection status is current
- Aircraft are appropriately equipped for agricultural operations
- Aircraft are in condition for safe operation

(4) Conduct a facility inspection, as appropriate. (See Vol. 2, Ch. 221)

(5) *Analyze the findings.* Conduct a debriefing with the certification team to analyze the findings.

(6) *Debrief the applicant.* Conduct a meeting with the applicant and resolve any deficiencies.

#### E. *Certification Phase.*

(1) *Prepare the operating certificate.* When the applicant has met all regulatory requirements for certification, the CPM must prepare FAA Form 8430-21, Operating Certificate, as follows:

(a) *Certificate holder's name.* Enter the certificate holder's full and legal name directly below the words "This certifies that". Other names, such as "doing business as", should also be listed on the certificate. If necessary list them on an attached letter.

(b) *Certificate holder's address.* Enter the address of the certificate holder's principal base of operations directly below the certificate holder's name. A post office box address is unacceptable unless it also reflects the physical location of the principal base of operations.

(c) *Certification statement of authority:* Specify "commercial" or "private" agricultural aircraft operations.

(d) *Certificate number.* Obtain a certificate number from AFS-620.

(e) *Effective date:* The effective date shall be the date all requirements for certification are met. If amending a certificate to reflect an address change or a change of the assigned district office, show the date of original issuance on the new certificate.

(f) *Issued at :* Enter the four-character, alphanumeric designator, city, and state of the Certificate Holding District Office (CHDO).

(g) *Signature, title, and CHDO designation:* The CHDO manager or designee shall sign operating certificates issued to operators complying with FAR Part 137. Enter the full title of the person signing the certificate in the space provided. Show the designations of the region and the Flight Standards District Office (FSDO).

(2) Ensure that the certification report is prepared. This report establishes the district office file

and must include the name and title of each ASI who assisted in the certification project. The report must be signed by the CPM. The report must contain the following:

- A copy of the letter of intent
- The application
- Schedule of events
- A copy of the operating certificate
- A summary of any difficulties encountered during the certification process, including a description of corrective actions
- A copy of any authorization for deviation or waiver issued

## 7. TASK OUTCOMES

### A. *File a PTRS Data Sheet.*

B. Completion of this task will result in one of the following:

- (1) *Issuance of a certificate*
- (2) A letter to the applicant indicating the certificate is denied
- (3) A letter to the applicant confirming termination of the certification process by the applicant

### C. *Distribute the Certification Report.*

(1) Retain the original certification report and all supporting documents in the operator/applicant's district office file.

(2) Send one copy of the report to the regional office for information.

(3) If any aircraft will be domiciled outside the CHDO's geographical area of responsibility, the principal inspectors may wish to provide any or all of the certification file to the appropriate district office.

**9. FUTURE ACTIVITIES.** Assigned ASI's should carefully observe the operator during the first 90 days of operation. Additional inspections may be necessary to determine if operating practices are performed at an adequate level of safety. Direct particular attention to areas that may not have been demonstrated or observed during the certification process.